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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

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AZ CORP COMMISSION
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Arizona Corporation Commission

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DOCKET NO. SW-02361A-08-0609

IN THE MATTER OF THE APPLICATION OF
BLACK MOUNTAIN SEWER CORPORATION,
AN ARIZONA CORPORATION, FOR A
DETERMINATION OF THE FAIR VALUE OF ITS
UTILITY PLANT AND PROPERTY AND FOR
INCREASES IN ITS RATES AND CHARGES FOR
UTILITY SERVICE BASED THEREON.

PROCEDURAL ORDER**BY THE COMMISSION:**

On December 19, 2008, Black Mountain Sewer Corporation ("BMSC" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for a rate increase.

On January 20, 2009, the Commission's Utilities Division ("Staff") filed its Letter of Sufficiency indicating that BMSC satisfied the requirements of Arizona Administrative Code ("A.A.C.") R14-2-103 and classifying the Company as a Class B utility.

By Procedural Order issued January 23, 2009, a hearing date of September 21, 2009, was established, publication and mailing of notice was ordered, and various other filing dates were established.

On June 5, 2009, M. M. Schirtzinger filed a Motion to Intervene.

On June 8, 2009, the Town of Carefree filed an Application to Intervene.

On June 12, 2009, Staff filed a Motion for Extension of Time ("Motion"). In its Motion, Staff requested an additional 60 days to file its Direct Testimony because the lead Staff analyst is no longer employed with the Commission, and because Staff is extremely short-handed and has a heavy workload. Staff requests that the other responsive testimony filing dates, as well as the September 21, 2009 hearing date, also be extended accordingly.

On June 15, 2009, BMSC filed a Response to Staff's Motion for Extension of Time. BMSC opposes Staff's Motion on the basis that a change of rate analysts is an insufficient reason for

granting an extension of the procedural schedule. The Company claims that it has done nothing wrong and "should not be made to shoulder the burden of another party's personnel changes." BMSC suggests that if Staff's Motion is granted, the Commission should provide a remedy that would allow the Company to recover any revenue lost as a result of the delay.

On June 17, 2009, the Residential Utility Consumer Office filed a Response in Support of Staff's Motion for Extension of Time.

No objections have been filed to the intervention requests of the Town of Carefree or M. M. Schirtzinger.

IT IS THEREFORE ORDERED that the intervention requests of the Town of Carefree and M. M. Schirtzinger are granted.

IT IS FURTHER ORDERED that a **procedural conference shall be scheduled for June 30, 2009, at 11:00 a.m.**, at the offices of the Commission, 1200 West Washington, Phoenix, Arizona 85007. The purpose of the procedural conference is to discuss Staff's Motion for Extension of Time and any other associated procedural matters.

DATED this 17th day of June, 2009.


DWIGHT D. NODES
ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered
this 17th day of June, 2009 to:

Greg Sorenson
ALGONQUIN WATER SERVICES
12725 W. Indian School Rd., Suite D-101
Avondale, AZ 85392

Jay L. Shapiro
Norman D. James
FENNEMORE CRAIG, PC
3003 N. Central Ave., Suite 2600
Phoenix, AZ 85012
Attorneys for Black Mountain Sewer
Corporation

Jodi Jerich, Director
RUCO
1110 W. Washington, Suite 220
Phoenix, AZ 85007

Scott S. Wakefield
RIDENOUR, HIENTON & LEWIS
201 N. Central Ave., Suite 3300
Phoenix, AZ 85004-1052
Attorneys for Boulders HOA

1 Thomas K. Chenal
2 David W. Garbarino
3 SHERMAN & HOWARD, L.L.C.
4 7047 E. Greenway Parkway, Suite 155
5 Scottsdale, AZ 85254-8110
6 Attorneys for the Town of Carefree

7 M. M. Schirtzinger
8 34773 North Indian Camp Trail
9 Scottsdale, AZ 85266

10 Janice Alward, Chief Counsel
11 Legal Division
12 ARIZONA CORPORATION COMMISSION
13 1200 West Washington Street
14 Phoenix, AZ 85007

15 Ernest G. Johnson, Director
16 Utilities Division
17 ARIZONA CORPORATION COMMISSION
18 1200 West Washington Street
19 Phoenix, AZ 85007

20 ARIZONA REPORTING SERVICE, INC.
21 2200 North Central Avenue, Suite 502
22 Phoenix, AZ 85004-1481

23 By:



24 Debbi Person
25 Assistant to Dwight D. Nodes
26
27
28